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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 CENTER FOR BIOLOGICAL DIVERSITY,) Case No.: C-11-06059 YGR
13 GREENPEACE, INC., and PORT)
14 TOWNSEND AIRWATCHERS,)
15)
16 Plaintiffs,)
v.)
17 UNITED STATES ENVIRONMENTAL)
18 PROTECTION AGENCY et al.,)
19)
Defendants.)
20)
21)
22)

**JOINT NOTICE THAT CONSENT
DECREE OBLIGATIONS HAVE BEEN
FULFILLED**

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**JOINT NOTICE THAT CONSENT DECREE
OBLIGATIONS HAVE BEEN FULFILLED**

In accordance with Paragraph 15 of the Consent Decree, DE 46, Defendants United States Environmental Protection Agency, and Gina McCarthy, Administrator, in her official capacity, (collectively "EPA") and Plaintiffs Greenpeace, Inc., Port Townsend Airwatchers, and Center for Biological Diversity, hereby provide notice that EPA has fulfilled the requirements of Paragraphs 2 and 3 of the Consent and that Plaintiffs' claims for cost of litigation have been

1 resolved. Specifically, the EPA Administrator signed proposed and final rules by the dates
2 specified in Paragraph 2 of the Consent Decree and the proposed and final rules were submitted
3 to the Office of Federal Register as required by Paragraph 3. The final rule has now been
4 published in the Federal Register. 79 Fed. Reg. 18,952 (April 4, 2014). In addition, Plaintiffs'
5 claims for costs of litigation were resolved by settlement pursuant to the process described in
6 Paragraph 6 of the Consent Decree.

7 Accordingly, as provided in Paragraph 15 of the Consent Decree, the Consent Decree is
8 terminated, this case may be dismissed with prejudice, and the case may be closed.

9 Respectfully submitted,

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11 ROBERT G. DREHER
12 Acting Assistant Attorney General
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28 PORT TOWNSEND AIRWATCHERS

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10 Attorneys for Plaintiff CENTER FOR
11 BIOLOGICAL DIVERSITY

12 April 16, 2014

1 **ATTESTATION FOR NOTICE THAT CONSENT**
2 **DECREE OBLIGATIONS HAVE BEEN FULFILLED**

3 Pursuant to Local Rule 5-1(i)(3), I attest that Vera Pardee and Helen Kang have
4 concurred in the filing of this document.

5 Dated: April 16, 2014

6 /S/ Norman L. Rave, Jr..
7 Norman L. Rave, Jr.
8 Attorney for Defendants

9
10 **CERTIFICATE OF SERVICE**

11 I, Norman L. Rave, Jr., hereby certify that on April 16, 2014, I caused the foregoing to be
12 served upon counsel of record through the Court's electronic service system.

13
14 /s/ Norman L. Rave, Jr.
15 Norman L. Rave, Jr.